

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/606,182

Attorney Docket No. Q76316

REMARKS

Claims 21-33 are all the claims pending in the application. Applicants have added new claims 34-52. Claims 21-33 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Hasegawa et al. (U.S. Patent No. 5,530,465). Applicants note that looking at the rejection in conjunction with the remarks indicates that only claims 21, 22, 25, 26, 29, 30, and 31 were rejected under 35 U.S.C. § 102(e). The remaining pending claims, 23, 24, 27, 28, 32, and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hasegawa et al. in view of Miyata et al. (U.S. Patent No. 5,754,205).

With respect to the rejections based on Miyata et al. (claims 23, 24, 27, 28, 32, and 33), with an effective filing date of April 19, 1996, Applicants respectfully request that these rejections be withdrawn. As Applicants noted when perfecting the claim to priority in the May 27, 2005 Response, JP 08-12113, filed January 26, 1996, is believed to provide full support for each and every pending claim in the present application. As such, the present invention predates the Miyata et al. reference for patentability purposes, and as such, the 35 U.S.C. § 103(a) rejection should be withdrawn.

With respect to the rejections based on Hasegawa et al., Applicants submit that this reference discloses, in Fig. 2B and at col.9, starting at line 22, a production process for manufacturing an ink jet head including: forming a first electrode layer 104, a piezoelectric layer 105 on the first electrode layer 104, and a second electrode layer 106 on the piezoelectric layer 105, respectively in ascending order. As can be seen from the Figure and its description, each layer is formed and patterned (etched) independently before forming and patterning the next

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/606,182

Attorney Docket No. Q76316

layer. Although the Examiner also refers to Fig. 2C and col. 9, lines 41-67, this description relates to a protective film, which is not related to the present invention. Accordingly Applicants respectfully submit that claims 25 to 29, which are method claims, are patentable over Hasegawa et al.

Further, claims 21 to 29 and 30 to 33, which are product-by-process claims, are also patentable over the Hasegawa et al. Applicants note that product-by-process claims cover the structure implied by the steps. The ink jet head according to the present invention is distinguished from the ink jet head manufactured based on Hasegawa et al. In particular, the product based on Hasegawa et al shows a slight step between each layer. On the other hand, the product according to the present invention does not show the slight step because the second layer, the piezoelectric layer and the first electrode layer or at least the second layer and the piezoelectric layer are etched completely at the same time.

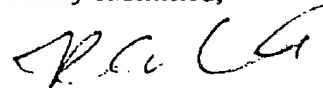
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/606,182

Attorney Docket No. Q76316

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Ronald Kimble
Registration No. 44,186

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: December 27, 2005